

AUG 29 2007

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**TO: MAIL STOP APPEAL BRIEF**

Examiner J. A. Fortuna  
United States Patent and Trademark Office

Fax No. 571-273-8300

Phone No. 571-272-1188

**FROM: Ineke Sweeney (Typed or printed name of person signing Certificate)**

Fax No. 513-634-3612

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Application No.: 10/676,397

Inventor(s): Rehders, et al.

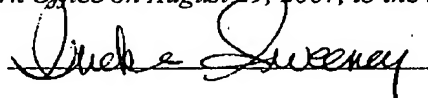
Filed: October 1, 2003

Docket No.: 9047MQ

Confirmation No.: 7544

**FACSIMILE TRANSMITTAL SHEET AND**  
**CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8**

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Listed below are the item(s) being submitted with this Certificate of Transmission:\*\*

- 1) Response to Notice of Non-Compliance mailed 08/03/2007
- 2)
- 3)
- 4)
- 5)

Number of Pages Including this Page: 7

AUG 29 2007

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/676,397  
Inventor(s) : Rehders, et al.  
Filed : October 31, 2003  
Art Unit : 1731  
Examiner : Jose A. Fortuna  
Docket No. : 9047MQ  
Confirmation No. : 7544  
Customer No. : 27752  
Title : STRENGTHENED TISSUE PAPER PRODUCTS  
COMPRISING LOW LEVELS OF XYLAN

**REPLY TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**  
**UNDER 37 CFR 41.37(c)**

Mail Stop Appeal Brief  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

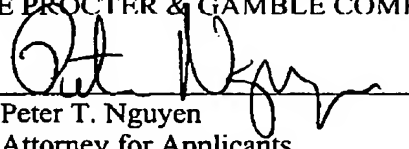
Dear Sir:

This is in response to the Office Communication mailed August 3, 2007 (copy enclosed), which states that Applicants' Appeal Brief filed on July 6, 2007 is considered non-compliant since the Brief does not contain the correct status identifiers in the "Claims" section..

Applicants apologize for any inconvenience this omission may have caused the Office and enclose herewith the "Claims" section containing the appropriate identifier. These corrected sections, together with the aforementioned Appeal Brief filed on July 6, 2007, now constitute a complete filing of the Appeal Brief.

Respectfully submitted,  
THE PROCTER & GAMBLE COMPANY.

By

  
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Attorney for Applicants  
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August 29, 2007  
Customer No. 27752

Appl. No. 10/676,397  
Docket No. 9047MQ  
Reply dated August 29, 2007  
Reply to Office Communication mailed August 3, 2007  
Customer No. 27752

#### CLAIMS APPENDIX

1. (Rejected) A tissue paper product made from a papermaking furnish comprising one or more plies of a tissue paper; wherein at least one of the plies comprises cellulose and from about 0.005% to no more than 0.1% by weight, based on the weight of cellulose, of xylan added to the furnish.
2. (Rejected) A tissue product according to Claim 1 wherein at least one of the plies comprises from about 0.015% to about 0.1% by weight based on the weight of cellulose of xylan added to the furnish.
3. (Rejected) A tissue product according to Claim 1 wherein at least one of the plies comprises from about 0.02% to about 0.05% by weight based on the weight of cellulose of xylan added to the furnish.
4. (Rejected) A tissue product according to Claim 1 wherein the source of the xylan is pulp refined to have a Canadian Standard Freeness measurement less than about 350 and a Schopper-Riegler slowness value greater than about 35 °SR.
5. (Rejected) A tissue product according to Claim 4 wherein the highly refined pulp has a Canadian Standard Freeness measurement less than about 100 and a Schopper-Riegler slowness value of from about 60°SR to about 80°SR.
6. (Rejected) A tissue product according to Claim 5 wherein the pulp is birch pulp.
- 7-8. (Cancelled)
9. (Withdrawn) A method for the manufacture of hygienic cellulose paper comprising the steps of:
  - a) producing a furnish comprising cellulose;
  - b) adding from about 0.005% to about 0.14% by weight, based on the weight of cellulose, xylan to the furnish;
  - c) forming the furnish into a paper web

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- d) drying the paper web; and
- e) creping the dried paper web.

10. (Withdrawn) A method for the manufacture of hygienic cellulose paper according to Claim 9 wherein the xylan addition step occurs before the paper web forming step.

11. (Withdrawn) A method for the manufacture of hygienic cellulose paper according to Claim 9 wherein the xylan addition step occurs during the paper web forming step.

12. (Withdrawn) A method for the manufacture of hygienic cellulose paper according to Claim 9 wherein the xylan is added in the form of a powder having an activity ranging from about 60% to about 80%.

13. (Withdrawn) A method for the manufacture of hygienic cellulose paper according to Claim 9 wherein the xylan is added in the form of a highly refined sulfate pulp mixture having a Canadian Standard Freeness measurement less than about 350 and a Schopper-Riegler slowness value of from about 35 °SR to about 90°SR.

14. (Withdrawn) A method for the manufacture of hygienic cellulose paper according to Claim 13 wherein the pulp is birch.

15. (Withdrawn) A method for the manufacture of hygienic cellulose paper according to Claim 9 wherein the xylan is added in the form of a concentrated liquor.

16. (Withdrawn) A method for the manufacture of hygienic cellulose paper according to Claim 6 also comprising the step of adding from about 0.1 kg/ton finished paper to about 2 kg/ton of a cationic charge biasing species to the furnish.

17. (Rejected) The tissue paper product of Claim 1 wherein the tissue paper product comprises from about 0.3 kg/ton to about 1 kg/ton charge biasing species.

18. (Rejected) The tissue paper product of Claim 1 further comprising from about 0.1 kg/ton to about 2 kg/ton of a cationic charge biasing species; wherein the cationic charge

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biasing species is a low molecular weight cationic synthetic polymer having a molecular weight of no more than about 500,000.

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**UNITED STATES PATENT AND TRADEMARK OFFICE**
**UNITED STATES DEPARTMENT OF COMMERCE**  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,397	10/01/2003	Frank Rehders	9047MQ	7544
27752	7590	08/03/2007		
<b>THE PROCTER &amp; GAMBLE COMPANY</b> <b>INTELLECTUAL PROPERTY DIVISION - WEST BLDG.</b> <b>WINTON HILL BUSINESS CENTER - BOX 412</b> <b>6250 CENTER HILL AVENUE</b> <b>CINCINNATI, OH 45224</b>				
			EXAMINER	
			ART UNIT	PAPER NUMBER

**FAXED****AUG 09 2007**

DATE MAILED: 08/03/2007

THE PROCTER &amp; GAMBLE COMPANY

Please find below and/or attached an Office communication concerning this application or proceeding.

*Due 9/14/07*

CENTRAL DOCKETING		
ATTY/A&T CONTACT: <i>PN</i>		
DATE REC'D: AUG 08 2007		
<input checked="" type="checkbox"/> FAX	<input checked="" type="checkbox"/> MAIL	<input type="checkbox"/> FILE

**S**

AUG 29 2007

**Notification of Non-Compliant Appeal Brief  
(37 CFR 41.37)**

Application No.

10/676,397

Applicant(s)

REHDEERS ET AL.

Examiner

Jose Fortuna

Art Unit

1731

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 06 July 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and **relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):

1.) The brief fails to address the status of all claims filed in the application.

TIM COLE  
PATENT APPEAL CENTER SPECIALIST  
Timothy Cole

